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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,552	08/20/2001	Yves Ramanzin	FR 000079	6551

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

LAMARRE, GUY J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,552

Applicant(s)

RAMANZIN, YVES

Examiner

Guy J. Lamarre, P.E.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

FINAL OFFICE ACTION

1. This office action is in response to Applicants' Amendment of 09 July 2004.
- 1.1 Claims 1-11 are cancelled, **Claims 12-22** are added. **Claims 12-22** remain pending.
- 1.2 The objections of record are withdrawn in response to Applicants' amendment.
- 1.2.1 The rejections of record are maintained in response to Applicants' amendment.

Claim Rejections - 35 USC § 103

2. Claim(s) 12-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wimmer et al. U.S. Patent No. 6,625,223 (hereinafter Wimmer).

As per claims 12 and 18,

Wimmer substantially teaches of a transmission system, see lines 4-6 of Abstract and Figure 2, a transmitting part comprising transmission circuitry for processing data to form series of information signals (i.e. grouping data into data segments and transmitting those segments), see lines 2-6 of Abstract, a receiving part comprising receiving circuitry for processing the transmitted information signals (segments), see lines 6-8 of Abstract.

Wimmer further teaches of integrity verification means for producing an error indication of the transmitted information, see column 3, lines 47-55.

Wimmer does not explicitly teach of validating the data even if an error indication appears. Nonetheless, Wimmer does teach of increasing the probability of correctly decoding a data segment whose header section contains errors, see lines 43-55 of column 4. Wimmer has essentially taught of validating (i.e. high probability of correctness) data that has produced an error indication (i.e. header error).

As per claim 13,

Wimmer further teaches of forming the header for each of the data segments, see lines 30-55 of column 3. While not specifically teaching that the integrity verification influences the

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headers, Wimmer does teach that the headers contain error recognition/correction data, see lines 47-55 of column 3. The integrity verification of the applicant is simply the analysis of the header to determine if an error has occurred in the header during transmission. By including error recognition/correction data, Wimmer is teaching that the integrity verification (i.e. header error detection) influences the headers (by including an error recognition/correction field within the header).

As per claims 14-15,

Wimmer further teaches of calculating and transmitting the segment length field (MPL) within the header, see lines 38-45 of column 3 and Fig. 1.

Wimmer further teaches of a receiver that comprises integrity verification means. By disclosing a method of forming a header that is protected with error detection/correction, see lines 30-55 of column 3, and how the header is used on the receiving end to verify the data, see lines 35-55 of column 4, Wimmer is teaching a receiver that is capable of detecting errors within the header. By detecting errors within the header, Wimmer is teaching of integrity verification means.

While not explicitly teaching of inserting means, it is evident that the MPL field must be inserted into the header to be transmitted. Further, Wimmer teaches that if the header information is not decoded (i.e. an error has occurred) then the length field (MPL) cannot be used. One skilled in the art would see that if either the header check information does not decode successfully or if the MPL field does not match the received data segment, then there is an error somewhere within the current data segment and hence mark the segment as containing an error.

As per claims 16, 22,

As note above under claim objections, the definitions for robust and uncertain are inconsistent between the specifications and the claims. Therefore, for the purpose of examining, they are read as follows: a robust mode indicates a mode in which there are no errors in the header and the MPL data matches up while uncertain mode indicates that an error has been detected within the header data.

Nonetheless, Wimmer does teach of skipping a segment whose header is found to have errors and attempt to locate the sync for the following segment, see lines 44-49 of column 4. Further one of ordinary skill in the art can tell that by skipping the segment with an error in the header and inspecting the following segment, Wimmer does classify segments by the amount of correctable decoding probabilities.

While Wimmer does not teach of management means for determining transmission quality modes, it would have been obvious to one of ordinary skill in the art to mark certain segments/packets as more reliable than others. Clearly, one skilled in the art would want to be able to differentiate between packets/segments that do not contain any errors in the headers (i.e. packets received in Robust mode) from those that clearly do (i.e. packets whose, in the case of Figures 5 and 6 of the specifications, syndromes are not equal to zero and therefore contain errors). One skilled in the art would want the types of packets to be marked separately so as to be able to read/inspect/use certain segments more reliably (i.e. Robust ones) than others (i.e. uncertain ones). Clearly uncertain segments contain errors and are less likely to produce the same data that was initially transmitted.

As per claims 17, 19,

Wimmer further teaches of a transmitter that is capable of inserting the MPL data, see claim 14-15 above, and of transmitting data that has been formed into series of signals, see claim

12 above. (see Abstract, lines 1-7, specifically “data segments are transmitted from a first computer to a second computer”)

As per claim 6,

Wimmer further teaches of a receiver that comprises integrity verification means. By disclosing a method of forming a header that is protected with error detection/correction, see lines 30-55 of column 3, and how the header is used on the receiving end to verify the data, see lines 35-55 of column 4, Wimmer is teaching a receiver that is capable of detecting errors within the header. By detecting errors within the header, Wimmer is teaching of integrity verification means.

As per claim 20,

Wimmer further teaches of calculating and transmitting a segment length field (MPL) within the header, see lines 38-45 of column 3. While not explicitly teaching of inserting means, it is evident that the MPL field must be inserted into the header to be transmitted. Further, Wimmer teaches that if the header information is not decoded (i.e. an error has occurred) then the length field (MPL) cannot be used. One skilled in the art would see that if either the header check information does not decode successfully or if the MPL field does not match the received data segment, then there is an error somewhere within the current data segment and hence mark the segment as containing an error.

As per claim 21,

Wimmer further teaches of inserting an error coding information signal into the header that is used to produce an error indication (if an error occurs during transmission), see lines 48-55 of column 3.

As per claim 20,

Wimmer further teaches of calculating and transmitting a segment length field (MPL) within the header, see lines 38-45 of column 3. While not explicitly teaching of inserting means, it is evident that the MPL field must be inserted into the header to be transmitted. Further, Wimmer teaches that if the header information is not decoded (i.e. an error has occurred) then the length field (MPL) cannot be used. One skilled in the art would see that if either the header check information does not decode successfully or if the MPL field does not match the received data segment, then there is an error somewhere within the current data segment and hence mark the segment as containing an error.

Response to Arguments

3. Applicants' arguments of 09 July 2004 have been fully considered, but are not deemed persuasive.

REMARKS

4. In response to **Claims 12-22**, Applicants argue at para. C, that the prior art of record does not teach the claims as presented.

Examiner disagrees and notes that **Wimmer** discloses, in Fig. 1, synchronization comprising data framing technique wherein data and control information along with ECC overhead (dichotomized, in **Wimmer**, as header and variable-length payload) are transferred between plural computers (Fig. 2: R1-R2) via a transmission medium (UM); respective processor injection means, in Fig. 2: R1-R2, inserts information into the data block of Fig.1 for ECC, frame synchronization, coding, decoding, etc.

Wimmer further discloses data verification means wherein error detection/correction is effected via coding means, such as BCH, so that original transmitted data are recovered at the destination error-free. When errors exceed capability of the error correction equipment, such errors are simply detected and flagged. Data transfer is as shown in Fig. 3.

Wimmer does not explicitly teach conditional error indication, however implicit therein is the approach of detecting without attempt at correcting data with too many errors.

It is known that general use of concatenated codes arises from the fact that any residual errors from one level of decoding will be corrected in the second or third levels of decoding. Therefore, conditional error indication along with neglecting excessive errors in ECC is well known.

4.1 To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references which were not used in the prior office action, this does not constitute a new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

The mere fact that additional portions of the same reference may have been mentioned or relied upon does not constitute new ground of rejection. *In re Meinhardt*, 392, F.2d 273, 280, 157 USPQ 270, 275 (CCPA 1968).

Examiner thus maintains that **Claims 12-22** are unpatentable over the prior art of record.

Conclusion

5. THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5.1 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E.
Primary Examiner
10/16/04
